

lines 2-3, delete --from time to time--; and  
line 4, delete --substantially--.

Claim 13, line 3, add "repeatedly" before "storing"; and  
line 4, delete --from time to time--.  
Claim 22, line 3, delete --substantially--.  
Claim 23, line 5, delete --substantially--.

Please add the following new claims:

--36. A data recording device for preserving data,  
comprising:

a sensor configured to detect an occurrence;  
a memory configured to store at least one of audio and  
video data such that later stored data is recorded over  
previously stored data;  
a non-volatile memory; and  
a controller configured to transfer the data stored in  
the memory to the non-volatile memory based on the detection of  
the occurrence by the sensor.

37. The data recording device of claim 36, wherein the  
controller is further configured to transfer the data stored in  
the memory which corresponds to a period of time beginning prior  
to the detection of the occurrence by the sensor and ending  
subsequent to the detection of the occurrence by the sensor.

38. The data recording device of claim 36, wherein:  
the occurrence is a first occurrence;  
the sensor is further configured to detect a second  
occurrence; and  
the controller is further configured to transfer the  
data stored in the memory which corresponds to a first

period of time beginning prior to the detection of the first occurrence by the sensor and ending subsequent to the detection of the first occurrence by the sensor, and to transfer the data stored in the memory which corresponds to a second period of time beginning prior to the detection of the second occurrence by the sensor and ending subsequent to the detection of the second occurrence by the sensor to the non-volatile memory based on the detection of the second occurrence by the sensor.

*all amended* 39. The data recording device of claim 36, further comprising:

a portable housing having the sensor, the memory, the non-volatile memory, and the controller disposed therein.

40. The data recording device of claim 36, further comprising:

a weapon;

wherein the occurrence is the firing of the weapon.--

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#### REMARKS

Claims 1-35 are pending in this application. Claims 1 and 16 are independent claims. Claims 6-7, 13, 22, and 25 are amended, and claims 36-40 are added herein.

The claims 6-7, 13, 22, and 25 are amended solely to correct minor editorial errors. No claims are amended for the purpose of overcoming the prior art rejections.

Claims 1-2, 6-7, and 16-18 stand rejected under 35 USC § 103(a) as being obvious over Chang, U.S. Patent No. 5,342,054,